

Application No. 10/527,241
Amendment Dated: January 18, 2010
Reply to Office Action of: December 23, 2009

REMARKS/ARGUMENTS

Applicant has amended claims 1, 2, 8, 9, 10, 13, 15, 16, 20, 21, 29, and 30 of the claims in issue considered by the Examiner in the Office Action dated December 23, 2009. Upon entry of the response and of the amendments, claims 1-25 and 27-30 are pending for reconsideration by the Examiner.

Upon further reflection, Applicant has amended the claims to delete the terms “generally,” “substantially,” and “parallel” to better define the invention. New limitations concerning mouse operation are recited.

Specifically, the amendments concern new limitations of mouse operation in Claims 1, 2, 29 and 30. The amendatory language inserted into claims 1, 2, 29, and 30 now clearly patentably distinguishes the claims over the Adler reference.

The Examiner has rejected Claims 1, 2 and 29 under 35 U.S.C. § 112, first and second paragraphs, as being indefinite. Applicant respectfully traverses the rejections.

Reconsideration of the Examiner’s rejection is respectfully requested in view of the following remarks.

The support for the amendments of Claims 2 and 13 concerning to the form of the casing and the use of the term “pocket” is shown in the Drawing 3 and explicitly given in paragraphs 0012 and 0032 of the specification as follows:

“It is an object of this invention to provide a form of the mouse, which is shaped to fit within the **pocket formed by a user's hand when it rests on a working surface without grasping anything in a naturally relaxed curled fingers and hand position** ... The moulds form **fingertip receptacles** on the upper surfaces of a primary button and a secondary button.” (Paragraph 0032);

“...when a user's low palm, user's ring and little fingertips, and a side of the distal phalanx of the user's thumb are resting on the working surface without gripping anything in the naturally relaxed curled fingers and hand position. ...from the naturally relaxed curled finger and hand position so that the mouse can be moved by flexing the user's index and middle finger further in the **pocket formed by the relaxed curled hand**. (Claims 1 and 2; Paragraph 0012; Drawing 3); and

“...the form of the mouse of the present invention provides a neutral posture of the user's hand on the working surface while at the same time, allows the user to move the mouse in the forward and backward directions on the working surface without the risk of actuating either button by merely stretching or flexing index and/or middle fingers placed in respective fingertip receptacles.” (Paragraph 0057)

As for the amendatory claim language of mouse operation, the Examiner will appreciate the following:

The primary and secondary buttons of the mouse 100 each are parts of ends of levers 105c and 106c, which longitudinally extend from a common plane 140 of the casing on which other ends of the levers are firmly fixed (Claim 24,

Drawings 5 and 7; paragraphs 0047, 0048). The **common plane 140** is **inclined toward the front end of the casing** relative to a cross panel of the casing (Claim 27, Drawing 7).

It is self-explanatory that the force applied by the fingertip against the moulded contact surface of the mould 117 or 118 in the direction indicated by arrow 5, will bend the lever 105c or 106c **being inclined to the front**, rather up-forwards than downwards. Consequently, the user can actuate forward movement of mouse 100 in position 117f without actuating the primary or secondary button by fingertip movement forward when stretching the finger, as it is shown in Drawing 3, against the mould 117 (Drawings 3, 5, and 7; Paragraphs 0038 and 0057).

It is **also** self-explanatory that the force applied by the fingertip against the moulded contact surface of the mould 117 or 118 in the direction indicated by arrow 6 of the Drawing 3 will bend the lever 105c or 106c **being inclined to the front** rather **downwards** than forwards thereby, actuating the primary or secondary button without actuating movement of the mouse 100, see Drawings 3, 5, and 7; Paragraph 0013 and Paragraph 0055 in which the way of the button actuating is explicitly given, as follows:

“Furthermore, the positioning, form, and construction of the buttons of the present embodiments encourage the user to actuate the primary or secondary buttons in a biomechanically convenient way, by stretching the user’s index finger or user’s middle finger, respectively, in the **combined down-forwards**

motion, which can be described as **similar to stroking, tangential** to, a conventional formed upper surface of the button ... in the direction indicated in FIG.3 by arrow 6.”

Thus, the **form** of the mouse **casing**, the **moulded form** of the upper surface and **constructions** of the mouse buttons of the present disclosure explicitly given in the specification, shown in the drawings, and claimed in the claims provide the ways of mouse operation and button actuation claimed in Claims 1 and 2.

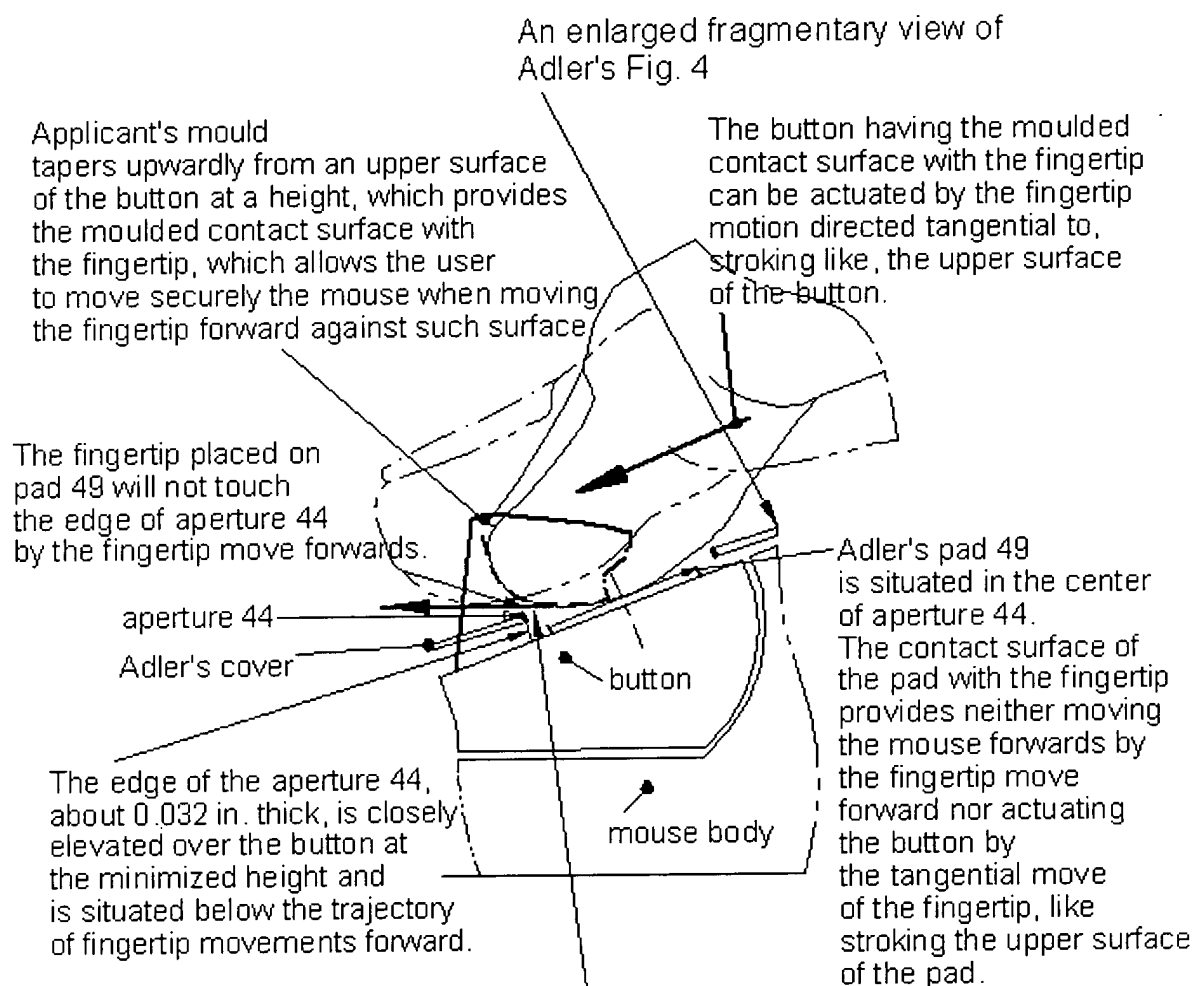
The Examiner has repeatedly rejected Claims 1-13, 24 and 27 -30 under 35 U.S.C. § 103(a) as being obvious by Adler (US Patent 6,256,015 B1). Applicant respectfully traverses the rejections.

Applicant continues to assert that claim 1, 2, 29 and 30 were patentable over the cited Adler reference for, among other things, the reason that the Adler reference simply does not fairly or properly disclose, teach or suggest any **structure, like the mould formed or attached on the upper surface of the button**, which could provide the ways of mouse operating in the manner claimed in the present disclosure.

To support Applicant's assertion, Applicant repeatedly submits below annotated fragmentary illustrations of Adler's Drawings, Figs. 4, and further annotated with an inserted contour of the finger and Applicant's mould. Applicant will appreciate if the Examiner would pay attention to the annotations given

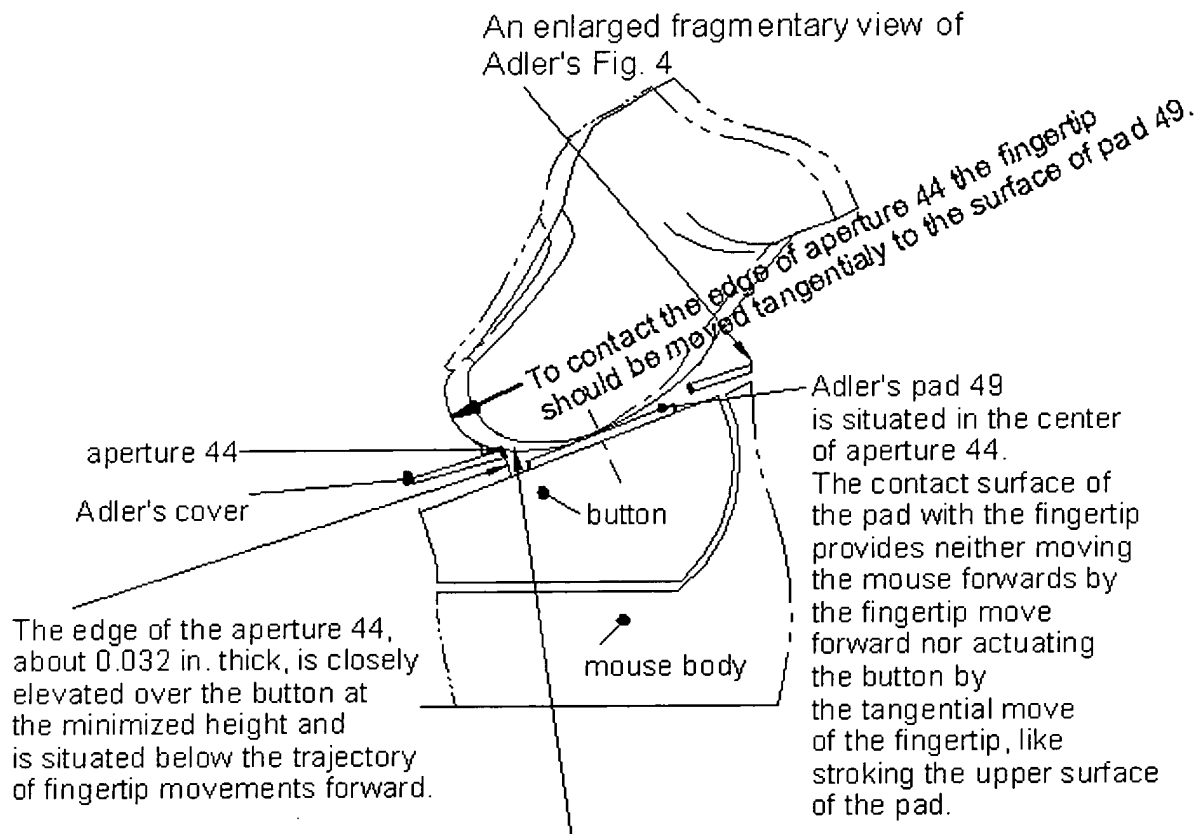
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additionally in the submitted illustrations to explicitly describe the differences between Adler's cover and Applicant's disclosure.



The sufficient clearance around the fingertip and the edge of aperture 44 should be provided to enable the user to actuate the button by depressing it by the finger move directed perpendicularly to the surface of the button, therefore, one of skill should not consider the edge of aperture 44 as a moulded contact surface with the fingertip and the empty space between the edge of aperture 44 and the fingertip as "a groove area," as the Examiner asserts.

To contact the edge of aperture 44 with the fingertip one of skill should move their fingertip first tangential to, like stroking, the surface of pad 49.



The sufficient clearance around the fingertip and the edge of aperture 44 should be provided to enable the user to actuate the button by depressing it by the finger move directed perpendicularly to the surface of the button, therefore, one of skill should not consider the edge of aperture 44 as a moulded contact surface with the fingertip and the empty space between the edge of aperture 44 and the fingertip as "a groove area", as the Examiner asserts.

To contact the edge of aperture 44 with the fingertip one of skill should move their fingertip first tangential to, like stroking, the surface of pad 49. Once contacted the edge with the fingertip one of skill can neither actuate the button, because the edge being placed under the fingertip will hinder depressing the button, nor move the mouse forward by the fingertip, because the edge, about 0.032 thick, is still below the trajectory of fingertip movements forward.

By closely considering the above submitted illustrations the Examiner will appreciate that the continued use in the rejections of Adler's Figure 1, which

shows the empty Adler's cover in the explosive perspective view, and the wording like:

"As for the height, the figures show the protrusion into the finger pads, obviously indicating there is a height as can be seen in Figure 1. Looking at this figure further, the fingertips, which are placed inside the apertures 44, can move the mouse in direction by applying the force, inside the groove area, and in generally a parallel direction to the surface on which the mouse is placed on."

(OA from December 23, 2009, Paragraph 8, Page 9), it is respectfully submitted, is incorrect and misdescriptive.

Looking at the above submitted illustrations further, the Examiner will appreciate that the Examiner's rejections based on the use of the structure of Adler's cover attached to the casing of a conventional mouse, like the edge of the aperture 44 (about **0.032 in. thick**), which is closely elevated over the upper surface of the button at a **height**, which could be appropriated by one of ordinary skill as being between **minimized up to zero**, for moving the mouse forward by **just the index or middle fingertip** when moving it forward, it is respectfully submitted, cannot be properly sustained.

Adler does not teach, suggest, or motivate the use of the edge of the aperture for mouse moving by the finger when pushing it against the edge for the simple reason that the edge could hinder the finger movement through the aperture by button actuating.

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Adler does not teach, suggest, or motivate any structure, which could allow the user to operate the mouse in the manner claimed in the present disclosure, therefore, the Examiner's rejections of Claims 1, 2, 29 and 30 concerning to the form of the upper surface of the buttons and the ways of mouse operating and button actuating, it is respectfully submitted, are improper.

Claims 3-25 and 27-30, which depend directly or indirectly in Claims 1 and 2 are patentable for the reasons advanced for Claims 1 and 2.

As for the inventive concept, taking in account the all above mentioned, the Examiner will appreciate that, the subject matter of the Applicant's disclosure is the **form** of the mouse **casing**, the **moulded form** of the upper surface of the **buttons** and the **constructions** of the **buttons**, specifically, the angled structure of the levers 105c and 106c, which provide operating the mouse in the claimed manner. The angled upper surfaces of the buttons on which the fingertips are placed are explicitly claimed in the Claims, and according to Oxford Dictionary tangential move of the fingertip on the button means:

tangent *straight line that touches the outside of a curve but does not cross it;*

i.e. stroking with fingertip the upper surface of the button.

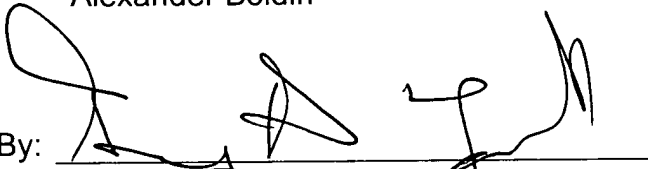
Applicant submits that the amendments as presently submitted very clearly cannot be remotely disclosed, taught, or suggested in the cited Adler reference (or in combination with any other reference cited or identified by the Examiner).

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For the reasons discussed herein, Applicant respectfully contends that the Examiner's rejections were improper and respectfully request that the present claims be passed to issuance.

Respectfully Submitted,

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